

**Presentment Date: March 8, 2019**  
**Time: 10:00AM**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**DENNIS & TAMMY J. TERBUSH**

Debtors.

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Case No.: 17-22239 (RDD)

**NOTICE OF MOTION**  
**Chapter 13**

**NOTICE OF PRESENTMENT FOR AN ORDER AUTHORIZING DEBTORS TO**  
**INCUR POST-PETITION DEBT FOR AUTO LEASE**

Motion to incur post-petition indebtedness so that Co-Debtor may lease a vehicle as the current lease is ending.

**PLEASE TAKE NOTICE** that Dennis & Tammy Terbush (the “Debtors”), by their attorney, Scott B. Ugell, Esq., will present the annexed proposed Order Authorizing Debtors to Incur Post-petition Auto Lease, before the Honorable Robert D. Drain at the United States Bankruptcy Court for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601 on March 8, 2019 at 10:00 am.

**PLEASE TAKE FURTHER NOTICE**, that unless a written objection to the proposed order, with proof of service, is filed with the Clerk of the Bankruptcy Court and a courtesy copy is delivered to the Bankruptcy Judge’s chambers at least three days before the date of presentment, there will not be a hearing and the order may be signed.

**PLEASE TAKE FURTHER NOTICE**, that if a written objection is timely filed, the Bankruptcy Court will notify the moving and objecting parties of the date and time of the hearing and of the moving party’s obligation to notify all parties entitled to receive notice. The moving

and objecting parties are required to attend the hearing, and failure to attend in person or by counsel may result in relief being granted or denied upon default.

**Dated:** New City, New York  
February 13, 2019

By: /s/ Scott B. Ugell  
Scott B. Ugell, Esq.  
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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Case No.: 17-22239 (RDD)

**MOTION OF DEBTOR TO INCUR  
POST PETITION INDEBTEDNESS**

**DENNIS & TAMMY J. TERBUSH**

**Chapter 13**

Debtors.

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This Day comes the debtor(s) by counsel and moves the court to approve the purchase by the co-debtor to lease a vehicle, to replace a lease that is ending March 2019.

In support of this motion, the Debtor(s) asserts as follows:

1. The Bankruptcy case of the above Debtor(s) is pending under the Chapter 13 of the United States Bankruptcy Code and was filed on the 16 TH day of February 2017.
2. The Chapter 13 Plan is pending confirmation.
3. The events precipitating the Debtors needs to incur debt are: To lease a vehicle to replace a lease that the debtors are currently over the mileage and the lease is ending March 2019.
4. The Co-Debtor needs to replace **a 2015 Jeep Grand Cherokee lease with a new lease that will be paid by the debtors at the rate of \$399.00 per month for a period of 36 months. I have attached the lease agreement as Exhibit A**
5. The Debtors propose to lease a **new vehicle** from **Schultz Ford Lincoln Inc.** who is **NOT** related to the debtor, for the monthly payment of **\$399.00 for a period of 36 months.**
6. The down payment required for this lease will not be paid by the debtors. The Co-Debtor's mother Jean Munroe will give the Co-Debtor the \$2,707.20 required for the down payment on the new lease. **I have attached Jean Munroe statement as Exhibit B.**
7. The Debtor(s) are current on the Chapter 13 plan payments, and this purchase will not adversely impact the proposed Chapter 13 plan because the Debtors have the same monthly lease payment.
8. The Debtor(s) believes that the purchase of this lease is necessary because the co-debtor will have no means of transportation to her employment.

WHEREFORE, the Debtor(s) prays that the court approve the Post-Petition Indebtedness described herein.

**Dated:** New City, New York  
February 13, 2019

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UNITED STATES BANKRUPTCY COURT  
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IN RE:

Case No.: 17-22239 (RDD)

DENNIS & TAMMY J. TERBUSH

**Chapter 13**

Debtors.

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**ORDER AUTHORIZING DEBTORS TO ENTER INTO AND PERFORM  
POST- PETITION AUTO LEASE**

Upon the motion, by notice of presentment dated February 13, 2019 (the “Motion”), of the debtors herein (the Debtors) for an order under 11 U.S.C. §§ 363(b) and 364(c)(2) authorizing the Debtors to enter into a lease for a replacement vehicle, a 2015 Jeep Grand Cherokee, for 36 months for \$399 a month and otherwise on the terms set forth in the agreement attached as Exhibit A to the Motion (the “Lease”); and upon the third-party agreement to fund the down payment under the Lease, a copy of which is attached as Exhibit B to the Motion; and it appearing that after due and sufficient notice of the Motion and the opportunity for a hearing thereon, there being no objections to the requested relief; and no additional notice or hearing being required; and, after due deliberation, it appearing that entry into the Lease will not jeopardize the Debtors’ performance of their chapter 13 plan and is a prudent exercise of business judgment; and it further appearing that the Debtors have satisfied the applicable requirements of 11 U.S.C. §§ 363(b) and 364(c)(2); now, therefore, it is hereby

**ORDERED**, that the Motion is granted and the Debtors are authorized to enter into and perform the Lease and any other lease of a replacement vehicle on the same material terms the

Lease in the event that the Debtors are unable to consummate the Lease transaction.

Dated: White Plains, New York

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United States Bankruptcy Judge